

Application No. 09/944,195

REMARKS

Claims 1-8 are pending. By this Amendment, claims 1 and 3 are amended under 37 CFR §1.121(c)(1)(ii). Claim 1 is amended to recite features supported in the specification on page 4, line 21 – page 5, line 7, page 6, line 9 – page 8, line 18, and Fig 2. Claim 3 is amended to improve clarity. No new matter is added by this amendment.

Applicant appreciates the courtesies extended to Applicant's representative by Examiners Wood and Healy during the April 22, 2003 interview. The points discussed during the interview are incorporated in the remarks below and constitute Applicant's record of the interview.

Applicant gratefully acknowledges that the Final Office Action indicates that claims 4 and 8 contain allowable subject matter. However, for the reasons discussed below, Applicant asserts that all of claims including 1-3 and 5-7 are also allowable.

Reconsideration based on the following remarks is respectfully requested.

I. Amendment Entry after Final Rejection

Entry of this amendment is proper under 37 CFR §1.116 because the amendments: a) place the application in condition for allowance (for all the reasons discussed herein); b) do not raise any new issues requiring further search or consideration; c) place the application in better condition for appeal (if necessary); and d) address formal requirements of the Final Rejection and preceding Office Action.

The foregoing amendments do not raise any new issues after Final Rejection. Therefore, entry of the amendments is proper under 37 CFR §1.116 because the amendments place the application in condition for allowance. Accordingly, Applicant respectfully requests entry of this Amendment.

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II. Claims 1-8 Define Patentable Subject Matter

The Final Office Action rejects claims 1-3 and 5 under 35 U.S.C. §102(b) over U.S. Patent 5,929,380 to Carlson, Jr. *et al.* (Carlson). This rejection is respectfully traversed.

Carlson fails to teach or suggest an optical fiber guide device including, *inter alia*, a guide body to guide and hold an optical fiber cord received and arranged therein and curving in an arc shape along a bending radius of curvature as seen in a plan view, the guide body including a guide receiving part having a base bordered substantially perpendicularly by a pair of peripheral walls, the base being substantially parallel to the arc shape and having a planform in the plan view that curves in the arc shape, the guide receiving part forming a trough having an arc shape opening opposite the base in a substantially U-shape cross-section along the arc shape, the trough able to receive and arrange the optical fiber cord through the opening, as recited in claim 1.

Instead, Carlson discloses an outside corner fitting 10 for a duct system having an arcuate channel 16 with side walls 24 that form an opening and a bottom wall 26 with a planform that conforms to the direction of bending curvature. The side walls 24 disclosed by Carlson are substantially parallel to the plane of curvature, and are topped by a cover 12 over the opening. See col. 2, lines 41-61 and Figs. 1-5 of Carlson. According to Carlson, a routing cable inserted into the channel 16 would press against the cover 12, rather than the side walls 24 that form an integral portion of the structure for the duct system, as provided in Applicant's claimed features. The side walls of Carlson are straight, rather than curved in an arc, and so Carlson fails to teach or suggest the features in Applicant's claims. Because the base wall of Carlson has a curved planform rather than rather than substantially flat, Carlson teaches away from Applicant's claimed features, and therefore does not anticipate the subject matter in Applicant's claims.

The Final Office Action further rejects claims 6 and 7 under 35 U.S.C. §102(e) over U.S. Patent 6,504,988 to Trebesch *et al.* (Trebesch). This rejection is respectfully traversed.

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Trebesch fails to teach or suggest an optical fiber guide device wherein the lid part includes, *inter alia*, a lid body and at least one projection part, and the receiving part includes at least one recess part for receiving the at least one projection part, as recited in claim 6.

Further, Trebesch does not close the lid part, as recited in claim 3 from which claim 6 depends. Nor does Trebesch teach or suggest a mounting part formed by locking pieces and provided on an outer face of the guide body, as recited in claim 1 from which claim 3 depends.

Instead, Trebesch discloses a trough section 570 having a base 572 attached to an outer wall 274 and a curved portion 586. Opposite the base 572 are tabs 564 with an opening end 565 and a hinge end with a snap 566 in the form of a U-shaped leaf spring. See col. 7, line 56 – col. 8, line 16 and Fig. 22-25 of Trebesch. Because Trebesch provides a tab 564 for restraining rather than covering a cable in the trough 570, Trebesch teaches away from a lid to close the opening as recited in claim 3, from which claim 6 depends. Further, the snap 566 of Trebesch enables the tab 564 to pivot over the trough 570, and hence does not teach or suggest a projection part received by a recess part in the receiving part, as recited in claim 6. Because Trebesch fails to provide either a lid or complimentary projection and recess parts, Trebesch does not anticipate Applicant's claimed features.

For at least these reasons, Applicant respectfully asserts that the independent claim is now patentable over the applied reference. The dependent claims are likewise patentable over the applied references for at least the reasons discussed as well as for the additional features they recite. Consequently, all the claims are in condition for allowance. Thus, Applicant respectfully requests that the rejections under 35 U.S.C. §102 be withdrawn.

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III. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Gerhard W. Thielman
Registration No. 43,186

JAO:GWT/gwt

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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